HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.NO. 25132 OF 2007

DATED: 27.11.2007

Between:

Ahle Hadees Mosque, Kothapeta Burial
Ground and Iddgah Committee

... Petitioner

and

Greater Visakhapatnam Municipal
Corporation, represented by its
Commissioner, Visakhapatnam and another

...
Respondents

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.NO. 25132 OF 2007

ORAL ORDER:

This writ petition is filed for a writ of Mandamus to declare the inaction of respondent No.1 in considering the petitioner's representation, as illegal and arbitrary.

The petitioner claims to be the owner of the property in T.S.No. 183, old DEO's Office, situated beside District Registrar's Office, near old Post office, Visakhapatnamm.

The grievance of the petitioner as projected in the affidavit is that adjacent to the compound of the petitioner's premises, by the side of the main gate, respondent No.1 raised a structure and named it as 'Sulabh Complex', providing for toilet facilities for the public. It's further grievance is that the discharge from the said toilet is being let into the open drain existing between the said structure and the compound wall of the petitioner's premises and thus causing odour and air pollution and that the persons of Muslim Community, who gather at the Idgah for prayers have been

suffering on that account. The petitioner claims that it made representations dated 3.10.2007 and 7.11.2007 to shift the toilet from the said place to any other place to avoid hardship to the members of the petitioner-community, who congregate at the aforementioned place and that the said representations are not being disposed of.

Heard the learned counsel for the petitioner and Sri N. Ranga Reddy, the learned Standing Counsel representing the respondent No.1.

Undoubtedly, making a provision for public toilets by respondent No.1 is laudable. But at the same time, it shall not cause nuisance to neighbours and others. Without expressing any final opinion on this, it is necessary to observe from one of the photographs filed by the petitioner that open drain is in existence between the toilets and the compound wall of the petitioner and if the allegation of the petitioner that the sullage water from toilets is being let into the open drain is correct, the petitioner would have a legitimate grievance in complaining of the existence of the toilets at the place in question.

Respondent No.1 is, therefore, directed to objectively consider the representations submitted by the petitioner and find an amicable solution to the problem allegedly faced by the petitioner and the members of the Muslim community.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

C.V. NAGARJUNA REDDY, J

Date: 27.11.2007

cvm